

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
TYLER DIVISION**

HTI IP, LLC and NETWORKFLEET, INC. §

Plaintiffs, §

vs. §

CIVIL ACTION NO: 6:09-cv-370

JURY TRIAL DEMANDED

DRIVEOK, INC. (d.b.a.VEHICLEPATH), §

WEBTECH WIRELESS, INC., WEBTECH §

WIRELESS USA LTD. and XIRGO §

TECHNOLOGIES, LLC §

Defendants. §

**HTI IP, LLC AND NETWORKFLEET, INC.'S REPLY TO DEFENDANT
XIRGO TECHNOLOGIES, LLC'S COUNTERCLAIMS**

Plaintiffs/Counterdefendants HTI IP, LLC and NetworkFleet, Inc. (collectively "HTI"), by and through their designated attorneys, hereby reply to the counterclaims of defendant Xirgo Technologies, LLC ("Xirgo"). HTI responds to Xirgo's allegations using the same paragraph numbers that appear in Xirgo's counterclaims. All factual allegations not expressly admitted below are denied.

REPLY TO COUNTERCLAIMS

FIRST COUNTERCLAIM

(Declaratory Judgment of Patent Invalidity)

74. HTI admits that Xirgo's First Counterclaim against HTI purports to state causes of action under 28 U.S.C. § 2201 regarding U.S. Patent Nos. 6,636,790 and 6,732,031.

75. HTI admits that there is subject matter jurisdiction over this action.

76. On information and belief, HTI admits the Xirgo is a Delaware limited liability corporation and has a place of business in Camarillo, California. HTI denies all other allegations of paragraph 76.

77. HTI admits the allegations of paragraph 77.

78. HTI admits the allegations of paragraph 78.

79. HTI admits the allegations of paragraph 79.

80. HTI admits that it initiated this lawsuit with this Court and alleges that Xirgo infringes the '790 and '031 patents. HTI also admits that the '790 and '031 patents are presumed valid. HTI admits that Xirgo asserts that it does not infringe the '790 and '031 patents, and that the patents are invalid. HTI therefore admits that an actual controversy exists between HTI and Xirgo with respect to the validity and infringement of the '790 and '031 patents.

81. HTI admits the allegations of paragraph 81.

82. HTI admits the allegations of paragraph 82.

83. HTI admits the allegations of paragraph 83.

84. HTI admits the allegations of paragraph 84.

85. HTI denies the allegations of paragraph 85.

SECOND COUNTERCLAIM

(Declaratory Judgment of Patent Non-Infringement)

86. HTI admits that Xirgo purports to repeat paragraphs 74 through 85 of its First Counterclaim, and incorporates herein its reply as set forth in paragraphs 74 through 85.

87. HTI admits that Xirgo's Second Counterclaim against HTI purports to state causes of action under 28 U.S.C. § 2201 regarding U.S. Patent Nos. 6,636,790 and 6,732,031.

88. HTI admits that the Court has subject matter jurisdiction over this action.

89. HTI denies the allegations of paragraph 89.

Dated: November 20, 2009

Respectfully submitted,

McKOOL SMITH

By: /s/ Sam F. Baxter

Sam F. Baxter, Lead Attorney
Texas State Bar No. 01938000
sbaxter@mckoolsmith.com
MCKOOL SMITH, P.C.
104 E. Houston St., Ste. 300
P.O. Box O
Marshall, Texas 75670
Telephone: (903) 923-9000
Fax: (903) 923-9099

Robert M. Manley
Texas State Bar No. 00787955
rmanley@mckoolsmith.com
Martin C. Robson, III
Texas State Bar No. 24004892
mrobson@mckoolsmith.com
McKOOL SMITH, P.C.
300 Crescent Court, suite 1500
Dallas, Texas 75201
Telephone: (214) 978-4000
Fax: (214) 978-4044

Robert M. Masters
robmasters@paulhastings.com
PAUL, HASTINGS, JANOFSKY & WALKER LLP
875 15th Street, N.W.,
Washington, D.C. 20005
Telephone: (202) 551-1700
Facsimile: (202) 551-0238

Elizabeth L. Brann
elizabethbrann@paulhastings.com
PAUL, HASTINGS, JANOFSKY & WALKER LLP
4747 Executive Drive
12th Floor
San Diego, California 92121
Telephone: (858) 458-3000
Facsimile: (858) 458-3005

**ATTORNEYS FOR PLAINTIFFS HTI IP,
LLC AND NETWORKFLEET, INC.**

CERTIFICATE OF SERVICE

I hereby certify that on November 20, 2009, the foregoing document was filed electronically in compliance with Local Rule CV-5(a). As such, this motion was served on all counsel who have consented to electronic service.

/s/ Martin C. Robson
Martin C. Robson